

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Michael A. McKeown a/k/a Michael
Anthony McKeown,
Plaintiff,

vs.

John C. Few, Skip Goldsmith,
Defendants.

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C.A. No.: 1:10-cv-01441-RBH

ORDER

Plaintiff, currently a state prisoner and proceeding *pro se*, brought this suit pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation.¹ In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'” (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Defendant Few’s Motion for Summary Judgment [Entry #122] and Plaintiff’s Motion to Remand to State Court [Entry #140] are granted, and Plaintiff’s Motion for Rehearing [Entry #137] is denied.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
October 25, 2011

¹ While the court notes that neither defendant filed objections to the Magistrate Judge’s Report and Recommendation, Plaintiff did file a response to the Report, in which he indicated his agreement with the Magistrate Judge’s recommendations. Specifically, in that document titled “Plaintiff’s Motion Conceding to the Report and Recommendation,” Plaintiff stated that, “[a]s to the Report and Recommendation by the United States Magistrate Judge Shiva V. Hodges the Plaintiff is in agreement that [Entry #122] and Plaintiff’s Motions to Remand to State Court [Entry #140] be granted.” Reply [Docket Entry 144] at 1.